IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

WP(Crl.).No. 28 of 2007(S)
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PETITIONER:
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VIJI KUMAR, S/O.VENU PAI, AGED 26 YEARS,
EMPLOYED AS NAIK, 16 ESP, C/O.56, APO.AMBALA,
HARYANA AND PERMANENTLY RESIDING AT VIJI BHAVAN,
ELAKAMON P.O. OONNINMOODU, VARKALA,
THIRUVANANTHAPURAM.

BY ADV. SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT OF KERALA, DEPARTMENT
OF HOME AFFAIRS, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR GENERAL OF POLICE,
STATE OF KERALA, POLICE HEAD QUARTERS,
VAZHUTHACAUD, THIRUVANANTHAPURAM.

3. THE SUPERINTENDENT OF POLICE,
KOLLAM DISTRICT.

4. THE DEPUTY SUPERINTENDENT OF POLICE
KOLLAM SUB DIVISION, KOLLAM.

5. THE CIRCLE INSPECTOR OF POLICE,
PARVOOR POLICE CIRCLE, PARAVOOR KOLLAM.

6. THE SUB INSPECTOR OF POLICE,
PARAVOOR POLICE STATION, PARAVOOR, KOLLAM.

7. BABU, CHARUVILA PUTHEN VEEDU,
OONNINMOODU, POOTHAKULAM P.O. KOLLAM DISTIRCT.

BY G.P. SHRI P.A. SALIM

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 01/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1-TRUE COPY OF LETTER WRITTEN BY THE DETENUE TO THE PETITIONERs

EXT.P1(A)-TRUE COPY OF DO. DO.

EXT.P1(B)- TRUE COPY OF DO. DO.

EXT.P2-TRUE COPY OF PHOTOGRAPH EVIDENCING THE MARRIAGE BETWEEN THE PETITIONER AND THE DETENUE.

EXTS.P2(A) TO P2(C- DO. DO.

EXT.P3-TRUE COPY OF MARRIAGE REGISTRATION CERTIFICATE DATED 10.10.2006

EXT.P4-PHOTO COPY OF THE ORDER OF THE FAMILY Court, NEDUMANGAD IN IA 170/2007 IN OP 89/2007

EXT.P5-TRUE COPY OF IA 170/2007 IN OP 89/07 OF THE FAMILY Court, NEDUMANGAD.

EXT.P6-TRUE COPY OF OP 89/07 OF THE FAMILY COURT, NEDUMANGAD.

EXT.P7 & P7(A)-TRUE PHOTO COPIES OF EITHER SIDE OF THE LETTER WRITTEN BY THE PETITIONER'S WIFE (DETENUE) TO HIM.

// TRUE COPY //

J.B. Koshy & T.R. Ramachandran Nair, JJ.

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Dated this the 1st day of February, 2007.

JUDGMENT

Koshy, J.

According to the petitioner, his wife Manjusha is under illegal custody of her parents and she is detained illegally by the parents. In fact, the detenue filed a petition before the Family Court alleging that thali was tied by fraud and obstruction from the petitioner and the Family Court has also passed an order of injunction as seen from Ext.P4.

2. When the Habeas Corpus petition came up for admission, we have advised the petitioner that instead of fighting the matter in the Family Court, filing a petition for habeas corpus is uncalled for and if the alleged detenue states that she is not under illegal custody, he will have to pay heavy cost.

3. The alleged detenue was produced before this Court by the police and she stated that she is not under illegal custody and is living happily with her parents.

In the above circumstances, the writ petition is dismissed with a cost of Rs.5,000/-. We note that cost has been paid to the counsel now itself.

Family Court matter shall be decided, untrammelled by any observations in this judgment.

(J. B. Koshy, Judge.)

(T.R. Ramachandran Nair, Judge.)

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